Filed 6/23/09 In re Steven O. CA1/4

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re STEVEN O., a Person Coming Under the Juvenile Court Law.	
SAN FRANCISCO DEPARTMENT OF HUMAN SERVICES, Plaintiff and Respondent, v. T.T., Defendant and Appellant.	A124500 (San Francisco City and County Super. Ct. No. JD053028)

Appellant, mother T.T., has filed a notice of appeal from the postpermanency order of March 20, 2009, continuing the minor, Steven O., in long-term foster care with his maternal uncle.

Steven O.[1] tested positive for cocaine upon his birth. He was placed in foster care after mother refused to drug test and left her son at the hospital. Apparently they reunified.

[1] We are mindful that some courts of appeal have begun identifying minors involved in juvenile cases by their initials, in accord with an "informal recommendation of the Reporter of Decisions." (*Adoption of O.M.* (2008) 169 Cal.App.4th 672, 675, fn. 1.) The purpose of this practice is to protect the minor's privacy. On the other hand, the California Rules of Court provide that to protect anonymity in juvenile cases, "a party must be referred to by first name and last initial in all filed documents and court orders

A second dependency petition was filed in January 2005, upon a child abuse hotline report that mother was hospitalized for pneumonia, admitted she was homeless and addicted to crack cocaine, and indicated that her brother had kicked her out and was caring for the boy. The minor was removed from appellant's custody and placed in the care of his maternal uncle. Dependency jurisdiction resumed upon the court's sustaining allegations that Steven was a child described by Welfare and Institutions Code[2] section 300, subdivisions (b) (failure to protect; failure to provide; inability to provide due to substance abuse), (g) (no provision for support), and (j) (sibling abuse).)

At the dispositional hearing, the court bypassed family reunification pursuant to section 361.5, subdivision (b)(10) (parent failed to reunify with sibling/half-sibling of minor or parental rights over such sibling terminated, and parent has not subsequently made reasonable effort treat problems) and scheduled a section 366.26 hearing. Ultimately the court ordered that a permanent plan of long-term placement in the home of a relative, namely Steven's maternal uncle, was in the best interest of the minor. The court granted mother supervised visits.

Regular postpermanency review hearings occurred. Steven was doing well and liked living with his uncle, who took good care of him. Appellant occasionally visited Steven and sometimes participated in family events. Steven expressed a desire to see her more often.

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and opinions; but if the first name is unusual or other circumstances would defeat the objective of anonymity, the party's initials may be used." (Cal. Rules of Court, rule 8.400(b)(2).) This rule makes sense, is authoritative, and we have no reason to believe it has failed to achieve its protective purpose. As well, unnecessary use of initials only makes it difficult to differentiate among appellate opinions in juvenile cases.

We use Steven's first name and last initial because the name "Steven" is among the 1,000 most popular names for any year of birth in the last nine years, according to statistical information collected by the Social Security Administration. (See <http://www.ssa.gov/cgi-bin/babyname.cgi>.) This is the objective standard used by the Reporter of Decisions to determine whether a name is "unusual" within the meaning of rule 8.400.

[2] All statutory references are to the Welfare and Institutions Code.

At the March 10, 2009 review hearing, the court found that conditions continued to exist justifying assumption of jurisdiction and that return of the minor to his mother's care would be detrimental. It continued the order for long-term foster care with the maternal uncle. Mother timely appealed from the March 10, 2009 order.

After reviewing the record, counsel for appellant found no arguable issues to raise on appeal and submitted a brief setting forth a summary of the facts.

Our Supreme Court has concluded that review pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) is not required when an indigent parent appeals from a judgment or order in a child dependency case. Instead, because no claim of error or defect has been raised, the reviewing court may properly dismiss the appeal as abandoned. (*In re Sade C.* (1996) 13 Cal.4th 952, 994-995.)

Subsequently, in *Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 535, 544 our Supreme Court likewise determined that *Wende* review is not required in conservatorship proceedings. The court indicated that where appointed counsel in a conservatorship appeal finds no arguable issues, counsel should (1) so inform the court; (2) file a brief setting forth the pertinent facts and law; and (3) provide the conservatee with a copy of the brief and inform him or her of the right to file a supplemental brief. (*Id*. at p. 544 & fn. 6.)

Currently, the Supreme Court is considering whether a parent appealing a dependency judgment or order has a similar right to file a pro se supplemental brief after appointed counsel has filed a brief presenting no claim of error. (*In re Phoenix H*., review granted Oct. 10, 2007, S155556.)

Counsel in this case followed the procedure set forth in *Conservatorship of Ben C*., *supra*, 40 Cal.4th at page 544 and footnote 6. He advised appellant that he was filing a " 'No Issues Statement' " brief, sent her a copy of the record and a letter explaining the appellate process, and advised her that she could file a letter with this court suggesting trial court errors to be reviewed.

Counsel filed his brief on May 20, 2009. Appellant has not responded within 30 days to the offer to file a letter brief. Accordingly, we dismiss the appeal.

DISPOSITION

The appeal is dismissed.

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Reardon, J.

We concur:

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Ruvolo, P.J.

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Sepulveda, J.